

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Shah Mahmood Selab

*Defendant(s)***FILED**
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

SEP 06 2022

MITCHELL R. ELFERS
CLERK OF COURT

Case No.

22-1449 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 12, 2022 in the county of Dona Ana in the
State and District of New Mexico, the defendant(s) violated:*Code Section*

18 U.S.C. § 2422(b)

Offense Description

Coercion and Enticement of a minor.

I further state that I am a Homeland Security Investigations Special Agent
and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

STEPHANI M LEGARRETA

Digitally signed by STEPHANI M
LEGARRETA
Date: 2022.09.05 13:49:53 -06'00'*Complainant's signature*

Stephani Legarreta-HSI Special Agent

*Printed name and title*Sworn to ~~before me and signed in my presence.~~Date: 09-06-2022City and state: Las Cruces, New Mexico*Judge's signature*

Honorable Kevin R. Sweazea

Printed name and title

Affidavit

1. I, Special Agent Stephani Legarreta, your Affiant, have been a Special Agent with Homeland Security Investigations (HSI) and have been so employed since January of 2008. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Assistant Agent in Charge (ASAC), Las Cruces, New Mexico. Prior to my current position, I was a student for six (6) years at New Mexico State University, where I received my Bachelor's and Master's Degree in Criminal Justice. During the course of investigation, I have consulted with other HSI Agents and other law enforcement detectives and officers who have extensive experience investigating child exploitation. Your Affiant has conducted numerous state and federal investigations and received training, education, and experience with the identification and investigation of child exploitation violations. I have been personally involved with the execution of arrest warrants and search warrants to search residences, businesses and seize materials relating to child exploitation.
2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth only those facts that your affiant believes are necessary to establish that probable cause to support a criminal complaint against Shah Mahmood Selab for a violation of 18 U.S.C. § 2422(b), Coercion and Enticement of a Minor.

Relevant Statutes

3. Title 18 U.S.C. § 2422(b) makes it a federal crime for any person, using the mail or any facility or means of interstate or foreign commerce, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.
4. New Mexico State Code § 30-9-13(C)(1) makes it a crime in New Mexico for any person to unlawfully and intentionally touch or apply force to the intimate parts of a minor, under the age of thirteen, or unlawfully and intentionally cause a minor, under the age of thirteen, to touch one's intimate parts. For the purposes of this section, "intimate parts" means the primary genital area, groin, buttocks, anus or breast and includes touching of the intimate parts of the minor over the minor's clothing.

Details of the Investigation

5. On August 16, 2022, Las Cruces Police Department (LCPD) notified HSI about a call LCPD received on August 12, 2022, regarding a criminal sexual contact of a minor. LCPD learned that a 12-year-old male (hereafter identified as V1), was at Youngs Park in Las Cruces, New Mexico, when an adult male approached him and ultimately kissed V1's face and rubbed V1's penis on the outside of his clothing. V1 said the adult male attempted to lure V1 into his vehicle, which V1 identified to officers by pointing out the vehicle in the parking lot. The vehicle was a white Chevrolet Suburban. When officers ran the license plate, it came back to a Shah Mahmood Selab. Selab was nowhere around when officers arrived on scene, but the vehicle was still in the parking lot.

6. On August 13, 2022, a forensic interview was conducted of V1, during which the following was disclosed:

- a. V1 was at a park near his school and was sitting at a bench when an old man with a mustache, who was wearing a brown and red, long sleeve shirt, brown pants with a light brown flat hat, and slippers walked up to him and began talking with him. According to V1, the man looked “Indian” and was speaking “half” English with V1. The man asked V1 his name, where he lived, what school he went to, and other personal questions before the man asked V1 if he would move to a bench in the shade with him. V1 agreed and moved to a bench in the shade. V1 then stated he moved to another bench and the man followed him and sat next to him again.
- b. V1 said the man began searching for videos and pictures on the man’s cellphone and showed V1 pictures and videos of two boys making out, a girl showing her private part, and “that stuff.” V1 said the man told him to look at it. V1 saw what was on the phone, but V1 turned away. The man then began to rub V1’s leg, then moved his hand upward and rubbed V1’s penis over the clothes. V1 then said the man moved his hand to V1’s buttocks and touched V1’s buttocks over V1’s clothing.
- c. V1 got up from the bench and began to walk to the tennis courts at the park but the man continued to follow V1. During the transition, the man punched V1 at least two times on the face.¹ When V1 got to the tennis courts, the man asked V1 to go into his vehicle and the man pointed out which vehicles was his. V1 said

¹ In the recorded interview, V1 had a visible bruise on his face that can be seen on the screen.

that the man told V1 that he would pay V1 if V1 let the man touch his leg for two minutes.

- d. V1 said he attempted to get away from the man but failed, so he began to walk towards the public restroom and called 911. V1 said the 911 call dropped three times, so V1 ran into the restroom and locked himself in the large stall in the restroom. The man followed V1 into the restroom, unlocked the stall, pulled V1 out of the stall, and, while holding onto V1 to keep him from leaving, the man locked the main door to the bathroom.
 - e. When V1 tried to leave, the man grabbed him, hit him, and prevented him from unlocking the door or from leaving. The man began kissing V1 on his face and put a \$20 bill in V1's hand while continuing to kiss V1 on the cheek. The man also tried to make V1 touch the man's penis, but V1 pulled his hand away before he touched him.
 - f. At that point, someone knocked on the door and the man told V1 to go hide in the bathroom and pretend like nothing happened. The man pretended he was going "number one," but V1 left when the man unlocked the door.
 - g. V1 explained the man was alone and the only time he heard him talking to anyone was when the man was on the phone during their initial contact.
7. On August 16, 2022, LCPD went to Shah Mahmood Selab's house to speak with him and saw that he was wearing a multicolored flannel type vest that had red, brown, black, gray, and white in the color pattern. He was also wearing a light brown flat hat. Selab stated he was at the park on Friday, August 12, 2022. Selab appeared to speak limited English, so the interview was terminated. On August 23, 2022, law enforcement showed a photo

lineup to V1, and Selab's photo was in the lineup. V1 immediately identified Selab as being the one who was involved in the incident with V1 at the park on August 12, 2022.

8. Pursuant to state district court search warrant, Selab's cell phone was later seized. The phone is a blue Motorola G Pure phone. Based on my training and experience, I know that that many of the parts used to assemble a Motorola G phone are made in China. Therefore, at least some parts of the cell phone used to entice the minor were manufactured outside the United States.
9. I also know, based on my training and experience, that the exchange of money often affects interstate commerce. Moreover, United States currency is minted in either: 1) San Francisco, California; 2) Denver, Colorado; 3) Philadelphia, Pennsylvania; or 4) West Point, New York. Accordingly, the twenty-dollar bill that Selab gave to V1 traveled in interstate commerce to be present in New Mexico.

Conclusion

10. Based on all of the above information, your affiant submits there is probable cause to believe that Shah Mahmood Selab committed coercion and enticement of a minor in violation of 18 U.S.C. § 2422(b).

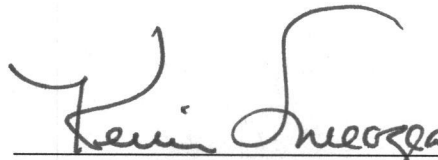
11. Prosecution of Shah Mahmood Selab was approved by Assistant United States Attorney
Marisa A. Ong.

STEPHANI M
LEGARRETA

Digitally signed by STEPHANI M
LEGARRETA
Date: 2022.09.05 13:51:02 -06'00'

Stephani Legarreta, Special Agent
Homeland Security Investigations

Subscribed and sworn before me this 6 day of September 2022.

A handwritten signature in black ink, appearing to read "Kevin Sweazea", is written over a horizontal line.

Honorable Kevin R. Sweazea
United States Magistrate Judge